

Notice of Allowability

Application No.

10/770,933

Applicant(s)

CHERNOFF ET AL.

Examiner

Sunray Chang

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to February 3rd, 2004.
2. ☒ The allowed claim(s) is/are 1-8 and 10-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 20040203
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

1. Authorization for this examiner's amendment was given in a telephone interview with Kathryn A. Marra on September 28th, 2006.

The application has been amended as follows:

▪ **incorporate the limitations of dependent claim 9 into independent claim1:**

1. A portable electronic controller adapted for controlling the operation of external electronic devices, the portable electronic controller comprising:

a communication component;

an integral display operatively connected to said communication component;

an operator input component operatively connected to said integral display;

a processing component operatively connected to said operator input component, to said communication component and to said integral display;

wherein the communication component has a software interface common with the external electronic devices to be controlled; wherein the communication component communicates with said external electronic devices via said common software interface to

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receive data from and to send data and control signals to said external electronic devices, wherein said control signals control the operation of selected ones of said external electronic devices; and wherein the processing component processes an operator's input to the operator input component and the data received by the communication component to formulate said control signals to be sent by said communication component for controlling said external electronic devices;

the external electronic devices are located in a first surrounding environment, wherein the first surrounding environment includes and is at least partly defined by at least a first area and a second area, wherein the first and second areas are different from one another, wherein said external electronic devices include a first set of external electronic devices located in said first area and a second set of external electrical components located in said second area;

wherein the data received by said communication component from said external electronic devices includes a listing of said first and second areas; wherein said listing of said areas is displayed on said integral display, wherein an operator's input to said operator input component includes a selection of one of said listed areas;

wherein the data sent to said external electronic devices from said communication component includes said selection of one of said listed areas, and wherein said selection establishes operational control of said external electronic devices in said one of said listed areas by said control signals sent from said communication component.

- **canceling claim 9.**
- **incorporate the limitations of dependent claim 20 into independent claim19:**

19. A method of controlling external electronic devices located in a first surrounding environment via a portable electronic controller, wherein said external electronic devices include a first external electronic device, the method comprising:

positioning said portable electronic controller in said first surrounding environment;

communicating with said first external electronic device via a communication component of said portable electronic controller to send data to and to receive data from said first external electronic device, wherein said external electronic devices and said communication component have a common software interface enabling such communication;

displaying said received data on an integral display of said portable electronic controller;

processing an operator's input to an operator input component of said electronic controller in a processing component of said electronic controller to formulate a control signal, wherein said operator's input is based on said displayed received data;

sending said formulated control signal via said communication component to said first external electronic device for controlling the function thereof.

storing said operator's input in a data storage component of said portable electronic controller;

repositioning said electronic controller to a second surrounding environment that is different than said first surrounding environment and includes other external electronic devices, including a second external electronic device, wherein said first and second external electronic devices have an equivalent function; and

sending another formulated control signal to said second external electronic device for controlling the equivalent function thereof, wherein said another formulated control signal is formulated based upon said stored operator's input representing said preferred setting.

▪ **canceling claim 20**

2. The following is an examiner's statement of reasons for allowance:

- The claimed invention is a portable electronic controller adapted for controlling the operation of external electronic devices.
- The claimed method include a limitation "the external electronic devices are located in a first surrounding environment, wherein the first surrounding environment includes and is at least partly defined by at least a first area and a second area, wherein the first and second areas are different from one another, wherein said external electronic devices include a first set of external electronic devices located in said first area and a second set of external electrical components located in said second area; wherein the data received by said communication component from said external electronic devices includes a listing of said first and second areas; wherein said listing of said areas is displayed on said integral display, wherein an operator's input to said operator input component includes a selection of one of said listed areas".
- The combination of prior art of record does not expressly disclose or suggest the "portable electronic controller" with the feature of "said external electronic devices include a first set of external electronic devices located in said first area and a second set of external electrical components located in said second area; wherein the data received by said communication component from said external electronic devices includes a listing of said first and second areas; wherein said listing of said areas is displayed on said integral display".

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3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

4. Claims 9 and 20 have been cancelled after Examiner's Amendment.

Claims 1 – 8 and 10 – 19 are deemed allowable after Examiner's Amendment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunray Chang who may be reached Monday through Friday, between 8:00 a.m. and 5:00 p.m. EST. via telephone number (571) 272-3682 or facsimile transmission (571) 273-3682 or email sunray.chang@uspto.gov.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687.

The official facsimile transmission number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Anthony Knight', with a stylized flourish at the end.

Supervisory Primary Examiner
Group Art Unit 2121
Technology Center 2100
U.S. Patent and Trademark Office

October 11, 2006